

RECLAMATION

Managing Water in the West

Draft Environmental Assessment and Finding of No Significant Impact

Temporary Supply of Incremental Level 4 Water to Willow Creek Mutual Water Company for Wetlands Management



U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region

May 2010

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitment to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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List of Acronyms and Abbreviations

AF	acre feet
APE	Area of Potential Effect
BO	Biological Opinion
CNDDB	California Natural Diversity Database
Company	Willow Creek Mutual Water Company
CVO	Central Valley Office (Reclamation)
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
Drain	Colusa Basin Drain
DWR	California Department of Water Resources
ESA	Federal Endangered Species Act
FWCA	Fish and Wildlife Coordination Act
GGS	giant garter snake
gpm	gallons per minute
ITA	Indian Trust Assets
MBTA	Migratory Bird Treaty Act
mg/l	milligrams per liter
M&I	Municipal & Industrial
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
NWR	National Wildlife Refuge
PID	Provident Irrigation District
Reclamation	Bureau of Reclamation
Service	U.S. Fish and Wildlife Service
SJV	San Joaquin Valley
SNWR	Sacramento National Wildlife Refuge
SWP	State Water Project
SWRCB	State Water Resources Control Board
WA	Wildlife Area

Section 1 Purpose and Need for Action

1.1 Introduction

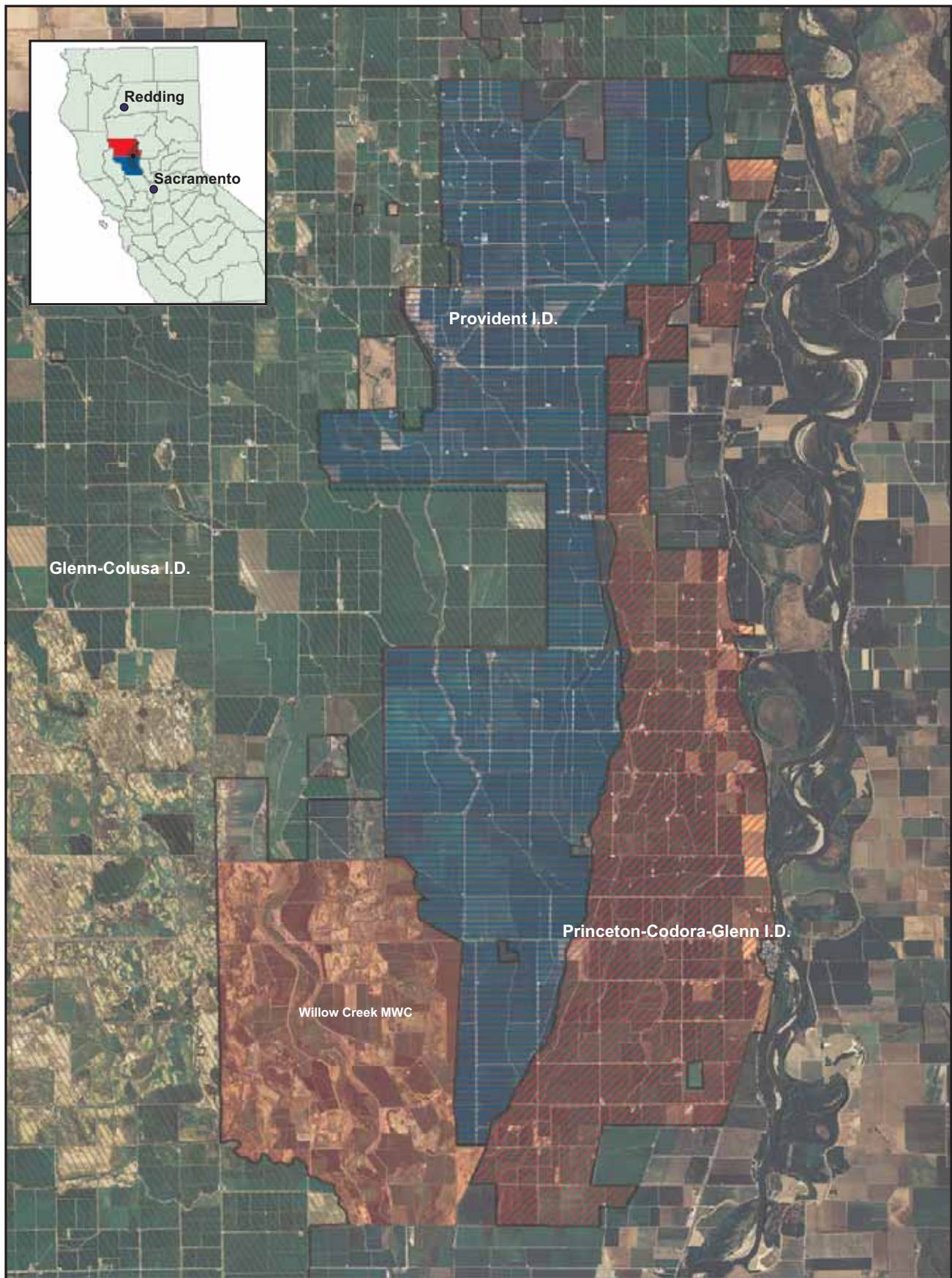
The Bureau of Reclamation (Reclamation) proposes to enter into a temporary water service contract (three-year renewable) with the Willow Creek Mutual Water Company (Company) to provide up to 3,000 acre-feet (AF) of Incremental Level 4 Water per year (July 1 to October 31) for wetland habitat management purposes. Reclamation purchases Incremental Level 4 Water from willing sellers for wildlife refuges under the Central Valley Project Improvement Act (CVPIA) Section 3406(d)(2). The proposed action is being undertaken pursuant to, and would be in full compliance with, Section 3405(a) (106 Stat. 4706) of CVPIA, which authorizes new water supply contracts for fish and wildlife purposes.

1.2 Purpose and Need





The proposed temporary action's primary purpose would be to deliver water to enhance the Company's migratory waterfowl habitat. A secondary purpose is to maintain wetlands linking the Sacramento National Wildlife Refuge (Sacramento NWR) and the Colusa Basin Drain (Drain), a migration corridor for the federally listed giant garter snake (GGS).

Approximately 63 properties included within the Company's service area have entered into individual perpetual conservation easements with the U. S. Fish and Wildlife Service (Service) for the maintenance and use of the land and waters for the management of migratory birds; however, these properties currently lack a reliable water supply. Collectively, the 63 properties total approximately 4,000 acres and are referred to as the Willow Creek-Lurline Wildlife Management Area. The Service considers the Company's easement lands as a unit of the National Wildlife Refuge System in the Central Valley of California and subject to its laws and regulations, thereby supporting the objectives of Central Valley Joint Venture pursuant to CVPIA Section 3406(d). The Company's total area is 7,000 acres (Figure 1).

The need for the proposed action arises from the Company's loss of its prior water supply from the Provident Irrigation District (PID).



Legend

-  Willow Creek MWC
-  Provident I.D.
-  Glenn-Colusa I.D.
-  Princeton-Codora-Glenn I.D.

0 1 2 4 Miles



2008-08-24

Figure 1-Proposed Project Area

1.3 Potential Resource Issues

The resource areas listed below have the potential to be affected by the Proposed Action and are discussed further in Section 3.

- Surface Water Resources
- Land Use
- Biological Resources
- Cultural Resources
- Indian Trust Assets
- Environmental Justice
- Climate Change

1.4 Resources Not Analyzed in Detail

It was determined that the following resources would not be impacted by the Proposed Action: water quality, groundwater, fisheries, recreation, air quality, geology and soils, visual, transportation, noise, hazards and hazardous materials, and socioeconomics. Therefore, impacts to these resources are not analyzed in this Environmental Assessment.

Section 2 Alternatives Including Proposed Action & Water Delivery Options Considered but Not Selected

2.1 No Action Alternative

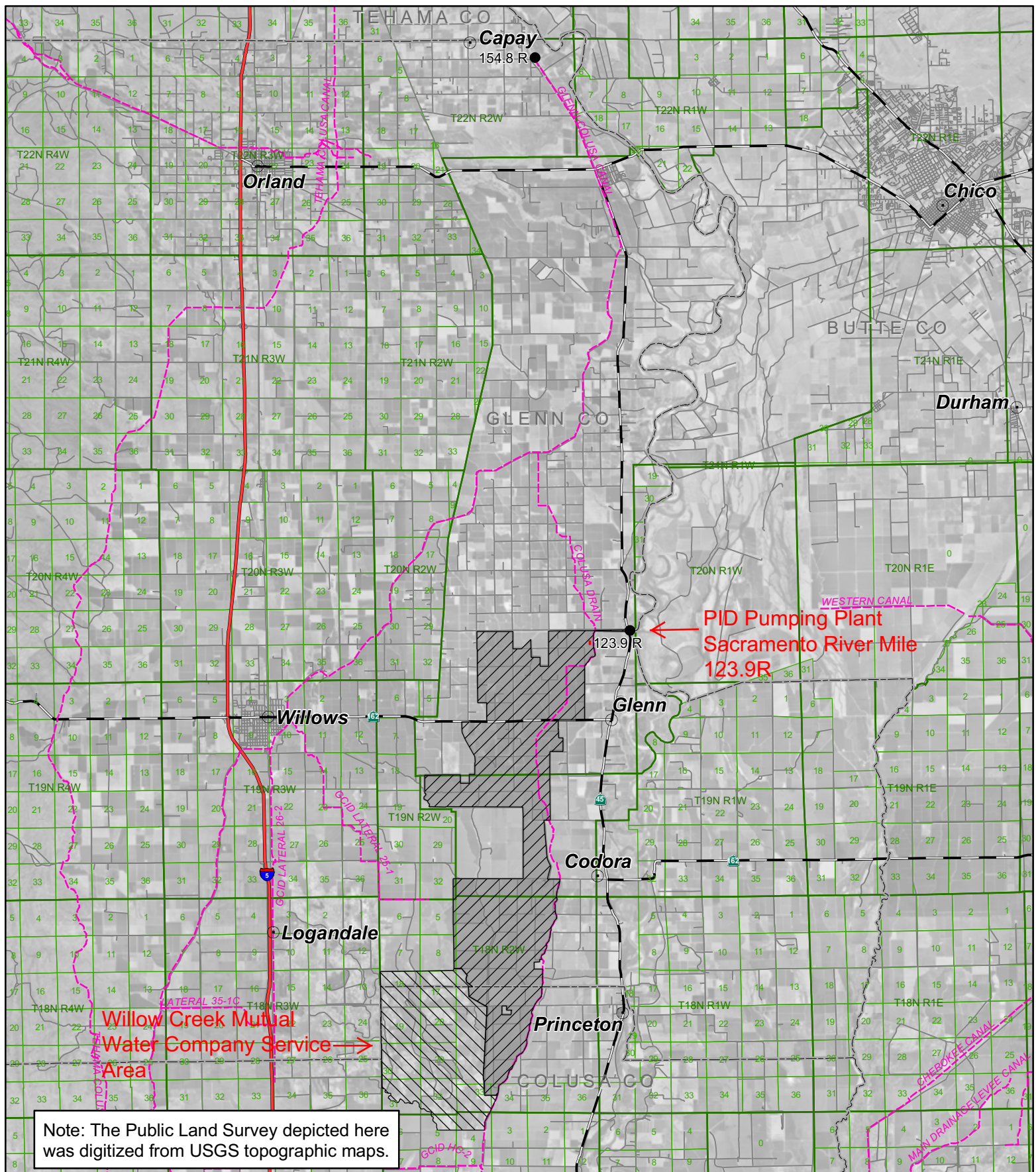
Under the No Action Alternative, Reclamation would not enter into a temporary contract leaving the maintenance of the wetlands solely dependent on the use of groundwater.

2.2 Proposed Action Alternative

The Proposed Action involves Reclamation entering into a three-year renewable water service contract with the Company to provide up to 3,000 AF of Incremental Level 4 Water to its conservation easement lands (Figure 1). This water was purchased in 2005 from the Anderson Cottonwood Irrigation District, a Central Valley Project (CVP) water service contractor. Even though the temporary water service contract is renewable, it leaves open the option for the eventual application of that water on CVPIA wildlife refuges.

Although the current water service contract with the Company would be for three years, each year the Interagency Refuge Water Management Team would have the opportunity to assess whether or not the 3,000 AF of water could be applied to a CVPIA wildlife refuge. If the water is not needed for one of these refuges, then the water would be provided to the Company for use only on its conservation easement lands.

The water would be delivered to the Company via the PID/Princeton-Codora-Glenn Irrigation District's joint pumping plant on the Sacramento River at river mile 123.9R (Figure 2). From this diversion point, the Company would be responsible for the control, carriage, handling, use, disposal, or distribution of water and its use consistent with appropriate wetland habitat water management. This water would be delivered to the Company's wetlands between July 1 and October 31. Prior to the delivery of water pursuant to this Agreement, the Company would need to prepare a wetland habitat water management plan for its conservation easement lands in order to ensure the effective use of the water to meet wetland resource needs. The Company would be required to make all reasonable efforts to complete the original wetland habitat management plan(s) within one year of the execution of the Agreement.



Contractor's Service Area

Willow Creek Service Area

District Boundary

Point of Diversion

Provident Irrigation District

Contract No. 14-06-200-856A-R-1

Exhibit B

Date: November 4, 2004

File Name: N:\districts\contracts\provident\provident.mxd

Figure 2

725-202-39

2.3 Water Delivery Options Considered But Not Selected

The following are water delivery options that were considered but not selected:

1. **Provide up to 3,000 AF of Incremental Level 4 Water to the Sacramento, Colusa and Delevan refuges.** These refuges are part of the Sacramento NWR Complex. They have the water conveyance infrastructure in place to receive their respective Level 4 (optimum) water deliveries. In all years, with the possible exception of very dry years, these refuges receive their full Level 2 water deliveries and in some years even have 'extra' Level 2 water available that is reallocated to other water short CVPIA refuges. The Delevan refuge also receives annually up to 6 TAF of Incremental Level 4 water that Reclamation permanently purchased from the Corning Water District in the 1990s. Since these Sacramento NWRC refuges are 'water rich' in comparison to south-of-Delta CVPIA refuges, it was determined that they were not in critical need of additional water.
2. **Provide up to 3,000 AF of Incremental Level 4 water to the Sutter NWR.** Presently, Sutter, which is part of the Sacramento NWR Complex, is not able to receive their full Level 2 water supply because the water conveyance infrastructure is not in place. The Sutter NWR is one of five CVPIA refuges that require additional water conveyance facilities. Since the necessary conveyance facilities are not available at Sutter, the 3,000 AF of Incremental Level 4 water could not be provided to it.
3. **Provide up to 3,000 AF of Incremental Level 4 water to Gray Lodge Wildlife Area.** Gray Lodge Wildlife Area (WA) is a state refuge under CVPIA and is located north of the Sutter Buttes and west of Marysville in the Sacramento Valley. Similar to the Sutter NWR, it too lacks adequate water conveyance infrastructure to receive its full Level 2 and Level 4 water deliveries. Because this refuge does not have the necessary conveyance facilities, the 3,000 AF of Incremental Level 4 that is available could not be provided to it. This delivery option is different from the previous two in that Reclamation and the Service are currently undertaking conveyance construction with an expected target completion date of 2013 and this Incremental Level 4 water would most likely be utilized annually here starting once construction is complete.
4. **Provide up to 3,000 AF of Incremental Level 4 water to San Joaquin Valley CVPIA refuges (SJV refuges).** The SJV refuges include units of San Luis NWR (San Luis, East and West Bear Creek, Freitas, and Kesterson), Merced NWR, Kern NWR, Pixley NWR, state refuges (Mendota WA, North Grasslands WA (includes Salt Slough and China Island Units), Volta WA, and Los Banos WA), plus a private refuge – the Grassland Resource Conservation District. These refuges are located within the CVP and SWP export service areas served by the Central Valley Office (CVO) Jones Pumping Plant (Jones PP) and the State Water Project (SWP) Banks Pumping Plant (Banks PP), respectively.

The SJV refuges East Bear Creek, Pixley, and Mendota do not presently have sufficient water conveyance facilities for full Level 2 or Incremental Level 4 water deliveries. These three SJV refuges would not be able to receive the 3,000 AF of Incremental Level 4 water.

Because of the uncertainties involved with the above reasons regarding 'north' to 'south' water transfers, providing the 3,000 AF of purchased Incremental Level 4 water to the SJV refuges was determined to not be the best use of the water.

Therefore, after giving consideration to the above delivery options, Reclamation, with the assistance of the Service, coordinated and negotiated with the Company to temporarily provide them the 3,000 AF of Incremental Level 4 water on an annual basis for the conservation easement lands until such time when this water could be provided to other CVPIA refuges.

Section 3 Affected Environment & Environmental Consequences

3.1 Surface Water Resources

3.1.1 Affected Environment

The Sacramento River drains the north central portion of California, including the western slope of the Sierra Nevada, the southern slope of Mount Shasta and the eastern slope of the Coast Range. It has a total length of 384 miles and is California's longest and largest river, carrying nearly one-third of the state's total water runoff. Lake Shasta, located north of the City of Redding, is the principal impoundment on the river with a capacity of 4.5 million AF.

The Colusa Basin Drain conveys runoff and agricultural return flows from about one million acres of watershed and discharges to the Sacramento River at Knights Landing. During high flows, the Colusa Basin Drain is often diverted through the Knights Landing Ridge Cut to the Yolo Bypass. The Colusa Basin Drain is the single largest source of agricultural return flows to the Sacramento River.

3.1.2 Environmental Consequences

No Action

Under the No Action Alternative, the amount of surface water delivered to the Company's wetlands would decrease and, therefore, wetland habitat suitable for migratory waterfowl and GGS would likely decrease.

Proposed Action

Under the Proposed Action, the water would be delivered to the Company's wetlands areas via the PID/Princeton-Codora-Glenn Irrigation District's joint pumping plant on the Sacramento River at river mile 123.9R. From this diversion point, the Company would be responsible for the control, carriage, handling, use, disposal, or distribution of water and its use consistent with appropriate wetland habitat water management. This water would be delivered to the Company's wetlands between July 1 and October 31. Prior to the delivery of water pursuant to the Agreement, the Company would prepare a wetland habitat water management plan for their conservation easement lands in order to ensure the effective use of water supplies to meet wetland resource needs.

Cumulative Effects

The Proposed Action would not result in any cumulative effects to surface water resources in the area.

3.2 Land use

3.2.1 Affected Environment

The Company's service area consists of flat, mostly irregularly shaped, diked areas used for rice cultivation, open ponds, or shrub and emergent herbaceous wetlands. In addition, there is a dense aggregation of buildings in the north central portion of the service area. Approximately half of the area is in rice or fallowed rice fields with approximately half in wetlands. The center of the service area is a fairly broad, linear, continuous diked area, looking much like a flood bypass in aerial photographs, and containing the upper reaches of the Drain (Figure 1).

Overall land use appears intermediate between Sacramento NWR to the west and PID to the east. While the Sacramento NWR is mostly composed of natural or quasi-natural wetlands, the PID is mainly comprised of intensely managed wetlands for rice fields. The Company's service area is nearly 40 percent rice and nearly 60 percent natural wetlands.

3.2.2 Environmental Consequences

No Action

Under the No Action Alternative, land use would remain unchanged; however, the current wetland habitat within the Company's conservation easement lands could decrease due to a lack of water.

Proposed Action

Under the Proposed Action, land use would remain unchanged. The Company would be able to provide water to the wetland areas to maintain habitat for waterfowl, other non-avian species dependent on wetlands, and GGS.

Cumulative Effects

The Proposed Action would not contribute to cumulative impacts on land use.

3.3 Biological Resources

3.3.1 Affected Environment

Apart from the settlement in the north central part of the service area comprised of small houses, the majority of the Company's service area is devoted to rice fields or wetlands. By virtue of the Company's service area's position, it provides a broad corridor of wetlands between the Drain and the Sacramento NWR. This serves to provide valuable continuity to the wetland habitat available to the federally listed GGS, migratory birds, and other non-avian species.

The waterfowl in the region is quite large and diverse. The wetlands, which are composed of wildlife refuges, hunting clubs, flooded rice fields (rice decomposition), and irrigation canals and drains, provide the major wintering grounds for a substantial fraction of the birds using the Pacific Flyway.

Willow Creek-Lurline Wildlife Management Area is located within the Company's boundaries. The landscape is very flat, bordered by the Sierra and Coast ranges and surrounded by intensive agriculture (rice and other grains). The objective of this wildlife management area is to protect fall/winter habitat for waterfowl through the acquisition of conservation easements on privately owned wetlands. Central Valley wetlands are critical for Pacific Flyway waterfowl, with 44 percent wintering in the Sacramento Valley. As wetlands of the Central Valley have been lost (95 percent over the last 100 years), waterfowl have become increasingly dependent on the remaining wetlands in the Sacramento Valley. (USFWS website)

A species list, included in Table 1 below, was generated from the USFWS Sacramento Field Office's website on May 17, 2010 (USFWS 2010).

Table 1: Species Identified as Potentially Occurring in the Logandale, Princeton, Moulton Weir, and Maxwell USGS 7.5-minute Quadrangles

Common Name	Scientific Name	Federal Status ¹	Habitat in Area
INVERTEBRATES			
<i>Branchinecta conservation</i>	Conservancy fairy shrimp ¹	E	Potential, but would not be affected by the Proposed Action
<i>Branchinecta lynchi</i>	Vernal pool fairy shrimp ²	T	Potential, but would not be affected by the Proposed Action
<i>Desmocerus californicus dimorphus</i>	Valley elderberry longhorn beetle	T	Potential, but would not be affected by the Proposed Action
<i>Lepidurus packardii</i>	Vernal pool tadpole shrimp ²	E	Potential, but would not be affected by the Proposed Action
FISH			
<i>Acipenser medirostris</i>	Green sturgeon ²	T	Yes
<i>Hypomesus transpacificus</i>	Delta smelt	T	No
<i>Oncorhynchus mykiss</i>	Central Valley steelhead ^{2, 3}	T	Yes
<i>Oncorhynchus tshawytscha</i>	Central Valley spring-run Chinook salmon ^{2, 3}	T	Yes
<i>Oncorhynchus tshawytscha</i>	Winter-run Chinook salmon, Sacramento River ^{2, 3}	E	Yes

¹ Critical habitat designated for this species

Common Name	Scientific Name	Federal Status ¹	Habitat in Area
AMPHIBIANS			
<i>Rana aurora draytonii</i>	California red-legged frog	T	No
REPTILES			
<i>Thamnophis gigas</i>	Giant garter snake	T	Yes
BIRDS			
<i>Strix occidentalis caurina</i>	Northern spotted owl	T	No
<i>Coccyzus americanus occidentalis</i>	Western yellow-billed cuckoo	C	Potential, but would not be affected by the Proposed Action
PLANTS			
<i>Chamaesyce hooveri</i>	Hoover's spurge	T	No
<i>Cordylanthus palmatus</i>	Palmate-bracted bird's-beak	E	No
<i>Orcuttia pilosa</i>	Hairy Orcutt grass	E	No
<i>Tuctoria greenii</i>	Greene's tuctoria (=Orcutt grass)	E	No

¹ PE=Proposed Endangered, PT=Proposed Threatened, E=Endangered, T=Threatened, C=Candidate

² Listed under the jurisdiction of National Oceanic and Atmospheric Administration, Fisheries

³ Critical Habitat designated for this species

Non-listed species that could occur in the surrounding area include: mule (black-tailed) deer (*Odocoileus hemionus*), black-tailed Jackrabbit (*Lepus* spp.), opossum (*Didelphis marsupialis*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), gray fox (*Urocyon cinereoargenteus*), striped skunk (*Mephitis mephitis*), raven (*Corvus corax*), robin (*Turdus migratorius*), Steller's jay (*Cyanocitta stelleri*), killdeer (*Charadrius vociferous*), and red-tailed hawk (*Buteo jamaicensis*).

3.3.2 Environmental Consequences

No Action

Under the No Action Alternative, wetlands within the Company's boundaries may not be able to be sustained for wildlife habitat, including migratory waterfowl, other non-avian species, and GGS.

Proposed Action

The Proposed Action would be beneficial to the area's biological resources particularly migratory waterfowl and GGS (although it is recognized that late summer water is not as beneficial as spring water). No adverse impacts to biological resources are expected, including special-status species such as GGS or anadromous fish species as water will be delivered via an existing pumping plant on the Sacramento River and existing conveyance systems.

Cumulative Effects

The Proposed Action would not result in adverse impacts to biological resources, therefore, it would not contribute to cumulative impacts to biological resources.

3.4 Cultural Resources

3.4.1 Affected Environment

A cultural resource is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal Government's responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (NRHP). Those resources that are on, or eligible for inclusion on, the NRHP are referred to as historic properties.

No negative impacts to cultural resources are anticipated because the land use would remain unchanged. No construction or other land use changes would be caused by the proposed provision of water to maintain existing operations. The proposed action would, in fact, tend to maintain the status quo.

3.4.1 Environmental Consequences

No Action

Under the No Action Alternative, there would not be an undertaking as defined by Section 301 of the NHPA. The condition of cultural resources would be the same as under the existing conditions. No impacts to cultural resources are associated with this No Action Alternative.

Proposed Action

The Proposed Action consists of entering into a three-year renewable water contract with the Company to provide water for wetlands management. Water would be conveyed through existing facilities operated by PID and would be used for wildlife refuge or wetland habitat water management. No ground disturbing activities, including excavation or construction are required to convey the water. This administrative action is not the type of activity that has the potential to affect historic properties pursuant to the regulations at 36 CFR Part 800.3(a)(1). As a result of this no potential to affect historic properties determination, no cultural resources would be impacted as a result of the Proposed Action.

Cumulative Effects

The Proposed Action has no potential to effect historic properties and, therefore, would not contribute to cumulative impacts to cultural resources.

3.5 Indian Trust Assets

3.5.1 Affected Environment

Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the United States for Indian Tribes or individuals. Trust status originates from rights imparted by treaties, statutes, or executive orders. These rights are reserved for, or granted to, tribes. A defining characteristic of an ITA is that such assets cannot be sold, leased, or otherwise alienated without Federal approval.

Indian reservations, rancherias, and allotments are common ITAs. Allotments can occur both within and outside of reservation boundaries and are parcels of land where title is held in trust for specific individuals. Additionally, ITAs include the right to access certain traditional use areas and perform certain traditional activities.

It is Reclamation policy to protect ITAs from adverse impacts resulting from its' programs and activities whenever possible. Types of actions that could affect ITAs include an interference with the exercise of a reserved water right, degradation of water quality where there is a water right or noise near a land asset where it adversely affects uses of the reserved land.

No Indian Trust Assets (ITAs) would be affected by the proposed action, which would simply maintain an existing operation in support of natural resources. The nearest ITA is the Colusa Rancheria, approximately eight miles to the southeast.

3.5.2 Environmental Consequences

No Action

Under the No Action Alternative, there are no impacts to ITAs since there would be no change in operations and no ground disturbance. Conditions related to ITAs would remain the same as existing conditions.

Proposed Action

The Proposed Action does not affect any ITAs. The nearest ITA is the Colusa Rancheria, approximately eight miles from the Proposed Action area and it would not be affected by the Proposed Action.

Cumulative Effects

The Proposed Action would not result in adverse impacts to ITAs and, therefore, would not contribute to cumulative impacts to ITAs.

3.6 Environmental Justice

3.6.1 Affected Environment

Executive Order 12898 requires each Federal agency to achieve environmental justice as part of its mission, by identifying and addressing disproportionately high adverse human health or environmental effects, including social and economic effects, of its programs and activities on minority populations and low-income populations of the United States.

3.6.2 Environmental Consequences

No Action

Under the No Action Alternative, there are no impacts to minority or low-income populations since there would be no change in operations and no ground disturbance. Conditions related to environmental justice would remain the same as existing conditions.

Proposed Action

Due to the nature of the Proposed Action (i.e., land use and agriculture would remain unchanged), there would be no effects to minority or low-income populations.

Cumulative Effects

As the Proposed Action does not have the potential to cause adverse impacts to economically disadvantaged or minority populations, it would not result in cumulative effects to environmental justice.

3.7 Global Climate Change

3.7.1 Affected Environment

The United Nations Intergovernmental Panel on Climate Change predicts that changes in the earth's climate will continue through the 21st century and that the rate of change may increase significantly in the future because of human activity. Many researchers studying California's climate believe that changes in the earth's climate have already affected California and will continue to do so in the future. Climate change may seriously affect the State's water resources. Temperature increases could affect water demand and aquatic ecosystems. Changes in the timing and amount of precipitation and runoff could occur.

Climate change is identified in the 2005 update of the California Water Plan (Bulletin 160-05) as a key consideration in planning for the State's future water management. The 2005 Water Plan update qualitatively describes the effects that climate change may have on the State's water supply. It also describes efforts that should be taken to quantitatively evaluate climate change effects for the next Water Plan update.

3.7.2 Environmental Consequences

No Action

Under the No Action Alternative, there are no impacts to climate since there would be no change in operations and no ground disturbance. Conditions related to climate change would remain the same as existing conditions.

Proposed Action

Since the Proposed Action would have no construction element and would use existing facilities within the range of normal operations, it would have no effect on climate change.

Cumulative Effects

The Proposed Action would not result in adverse impacts to climate change and, therefore, would not contribute to cumulative impacts to climate change.

Section 4 Consultation and Coordination

Reclamation notified the Service of its determination that the proposed action would have no adverse impacts to GGS. The proposed action would provide a cost-effective way to provide water to maintain habitat quality in a relatively broad corridor between the Sacramento NWR and the Drain and would, therefore, would benefit migratory waterfowl and other non-avian species in the area.

Consultation with the National Marine Fisheries Service was not required as the proposed action falls would not impact anadromous fish species.

While no impacts to endangered species or to historic/cultural resources have been indicated by the Proposed Action, consultation and coordination was conducted with the agencies and mandates considered below.

4.1 Fish and Wildlife Coordination Act (16 USC. 651 et seq.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources.

4.2 Endangered Species Act (16 USC. 1521 et seq.)

Section 7 of this Act requires Federal agencies to ensure that all federally associated activities within the United States do not jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of the critical habitat of these species. Action agencies must consult with the U.S. Fish and Wildlife Service, which maintains current lists of species that have been designated as threatened or endangered, to determine the potential impacts a project may have on protected species.

Reclamation determined that the Proposed Action would not affect federally proposed or listed threatened and endangered species or their proposed or designated critical habitat. No further consultation is required under Section 7 of the Endangered Species Act.

4.3 Migratory Bird Treaty Act (16 USC § 703 ET SEQ.)

The Migratory Bird Treaty Act implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior (Secretary) may adopt regulations

determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg will be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns.

4.4 National Historic Preservation Act (16 USC 470 et seq.)

The National Historic Preservation Act (NHPA) of 1966, as amended, is the primary legislation that outlines the Federal government's responsibility to cultural resources. Cultural resources include both archaeological and built environment resources. Section 106 of the NHPA requires that Federal agencies take into consideration the effects of their undertakings on historic properties. Historic properties are cultural resources that are listed on or eligible for inclusion in the National Register of Historic Places (National Register). The 36 CFR Part 800 regulations implement Section 106 of the NHPA and outline the procedures necessary for compliance with the NHPA.

Compliance with the Section 106 process follows a series of steps that are designed to identify if cultural resources are present and to what level they will be affected by the proposed Federal undertaking. The Federal agency must first determine if the proposed action is the type of action that has the potential to affect historic properties. Once that has been determined and an action, or undertaking, has been identified, the Federal agency must identify interested parties, determine the area of potential effect (APE), conduct cultural resource inventories, determine if historic properties are present within the APE, and assess effects on any identified historic properties. The Federal agency consults with the State Historic Preservation Officer (SHPO) on agency determinations and findings and seeks their concurrence with the Federal agency findings.

For the Proposed Action, there would be no modification to existing facilities, no ground disturbance, and no new construction. Water would be conveyed through existing facilities and used for wetland habitat management purposes. There would be no new land use or new irrigation to agricultural as a result of the Proposed Action. Therefore, the proposed administrative action has no potential to affect historic properties pursuant to 36 CFR 800.3(a)(1).

Section 5 List of Preparers and Reviewers

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Tammy LaFramboise, Natural Resources Specialist, Mid-Pacific Region
Brad Hubbard, Natural Resources Specialist, Mid-Pacific Region
BranDee Bruce, Architectural Historian, Mid-Pacific Region
Tim Rust, Fish and Wildlife Program Manager, Mid-Pacific Region

Section 6 References

California Department of Fish and Game. 2009. California Natural Diversity Database Search of Threatened and Endangered Species Occurrences on Cannibal Island and Fields Landing Quads. Report printed on November 17, 2009.

U.S. Fish and Wildlife Service. 2010. Listed/Proposed Threatened and Endangered Species for the _____ Quad. May 17, 2010.
<http://www.fws.gov/arcata/specieslist/speciesreport.asp>

_____. 2010. Willow Creek-Lurline Wildlife Management Area website information. <http://www.fws.gov/refuges/profiles/index.cfm?id=83570>